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6 Donald B. Ostrom

FILED

2006 NOV 15 P 3:51

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.D.
Sm

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)

No. 02-20120-JF (RS)

11 Plaintiff,)

STIPULATION RE: EXONERATION
OF BOND AND RECONVEYANCE OF
REALTY; [PROPOSED] ORDER

12 vs.)

13 DONALD R. OSTROM, aka Donald R.)
14 Ostrum)

Honorable Richard J. Seeborg
United States Magistrate-Judge

15 Defendant.)

16
17 Defendant and the government here by stipulate as follows

18 I, Lupe Martinez, declare:

19 1. On August 20, 2002, Mr. Donald Ostrom made his initial appearance before
20 U.S. Magistrate-Judge Richard Seeborg in the Northern District of California.

21 3. On December 19, 2002, Magistrate-Judge Richard Seeborg set bail at
22 \$400,000.00 secured by real property. Attached hereto as **Exhibit 1** is a copy of the
23 Conditions of Release and Appearance.

24 4. On December 20, 2002, Magistrate-Judge Richard Seeborg signed the
25 conditions of release after two deeds of trust for two properties were recorded with the
26 Santa Clara County Recorder with Richard W. Wieking, Clerk of the U.S. District Court,

Stipulation re: Exoneration of Bond and
Reconveyance of Property



1 as beneficiary

2 a. 15 Whittlier Street, San Jose, California 95035, APN # 022-25-005 (Book
3 5). A copy of the Short Form Deed of Trust, Santa Clara County Recorder
4 Document No. 16644418 in the amount of \$600,000.00 recorded November
5 26, 2002, with John Lunetta and Nancy Patterson as Trustors is attached as
6 **Exhibit 2.**


7 b. 108 North 26th Street, San Jose, California 95116, APN 3 467-09-003,
8 Book of Maps (N) at page 70. A copy of the Short Form Deed of Trust,
9 Santa Clara County Recorder Document No. 166644417 in the amount of
10 \$600,000.00 recorded November 26, 2002, with Barbara Allen as Trustor is
11 attached as **Exhibit 3.**

12 5. On October 6, 2005, Mr. Ostrom was found in violation of conditions of pre-
13 trial release and remanded to the custody of the US Marshals pending sentencing.

14 6. The next appearance set is a Status Conference on November 29, 2006 at 9:00
15 a.m.

16 7. The parties stipulate to issuance of the attached order exonerating the above
17 bonds and reconveyance of the properties.

18
19 Dated: November 14, 2006


LUPE MARTINEZ
Attorney for Defendant Donald Ostrom

20
21
22 Dated: November 14, 2006


JOHN GLANG
Assistant United States Attorney

2. RECEIPT - YELLOW COPY

CONSEQUENCES OF DEFENDANT'S FAILURE TO OBEY CONDITIONS OF RELEASE

Payment of the full amount of this bond shall be due forthwith, and all cash or property posted to secure it shall be forfeited. Judgment may be entered against defendant and all sureties jointly and severally.

An arrest warrant for defendant shall issue immediately, and defendant may be detained without bail for the rest of the proceedings.

Defendant shall be subject to consecutive sentences and fines for failure to appear and/or for committing an offense while on release. See 18 U.S.C. 3147, on reverse side.

We, the undersigned, have read and understand the terms of this bond and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF DEFENDANT	
SIGNATURE OF CUSTODIAN	
SIGNATURE OF MAGISTRATE JUDGE	

THIS ORDER AUTHORIZES THE MARSHAL TO RELEASE DEFENDANT FROM CUSTODY.

Defendant is subject to each condition checked:

☒ Defendant shall appear at all proceedings as ordered by the Court and shall surrender for service of any sentence imposed.

☒ Defendant shall not commit any federal, state, or local crime.

☒ Defendant shall not harass, threaten, intimidate, injure, tamper with, or retaliate against any witness, informant, juror, or officer of the Court, or any criminal investigation. See 18 U.S.C. 1503, 1510, 1512, and 1513, on reverse side.

☒ Defendant shall not travel outside the Northern District of California, that is, these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Sonoma. See map on reverse side.

☒ Defendant shall report in person immediately upon release and thereafter as directed to Pretrial Services in _____

See addresses and telephone numbers on reverse side.

☒ Defendant shall surrender all passports and visas to the Court by _____ and shall not apply for any passports or other travel documents.

☒ Defendant shall not possess any firearm, destructive device, or other dangerous weapon.

☒ Defendant shall remain in the custody of custodian _____ at _____ who agrees to supervise him/her and to report any violation of a release condition to Pretrial Services. If the custodian fails to do so, he/she will be prosecuted for contempt of court.

☒ Defendant shall participate in (drug) (alcohol) (psychiatric) counseling, and submit to (drug) (alcohol) testing, as directed by Pretrial Services.

☒ Defendant shall not use alcohol to excess and shall not use or possess any narcotic or other controlled substance without a legal prescription.

☒ Defendant shall maintain current employment, or if unemployed shall seek and maintain verifiable employment.

☒ Defendant shall submit to a warrantless search of his/her person, place of residence and vehicle at the direction of Pretrial Services.

☒ Defendant shall comply with the following curfew: _____ to _____

☒ Defendant shall have no contact with any co-defendant out of the presence of counsel.

☒ Defendant shall not change residence without prior approval of Pretrial Services.

☒ The following conditions also apply:

CONDITIONS OF RELEASE AND APPEARANCE

AMOUNT OF BOND	\$	UNSECURED <input type="checkbox"/> SECURED BY <input checked="" type="checkbox"/>	DEPOSIT RECEIVED <input type="checkbox"/> RECEIVED FROM	OTHER SECURITY POSTED	TIME/DATE OF NEXT APPEARANCE	COURT/C
NAME OF CUSTODIAN	RELATIONSHIP TO DEFENDANT					
NAME OF SURETY	RELATIONSHIP TO DEFENDANT					
NAME OF DEFENDANT	ADDRESS OF DEFENDANT					
	ADDRESS OF SURETY					
	ADDRESS OF CUSTODIAN					
	TELEPHONE NUMB					
	TELEPHONE NUMB					
	TELEPHONE NUMB					

CASE NUMBER _____ DATE _____

ORDER SETTING CONDITIONS OF RELEASE AND APPEARANCE BOND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

NAME Nancy Patterson

STREET ADDRESS 15 Whittier St.

CITY, STATE & ZIP CODE Milpitas, CA 95035

TITLE OR

DOC NT: 16644418



0016644418

Titles: 2 / Pages:

Fees 25.00

Taxes

Copies 80

AMT PAID 33.00

BRENDA DAVIS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Recording Service

RDE # 01

11/26/20

12:45 PM

ENDORSED COPY

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS (With Future Borrowing Clause)

incorporating by reference certain provisions of a fictitious deed of trust of record

This Deed of Trust, Made this 25th day of November 2002, between
John Lunetta & Nancy Patterson herein called TRUSTOR

whose address is 15 Whittier St., San Jose, CA 95035
(Number and Street) (City) (State) (Zip)

Downey Savings & Loan herein called TRUSTEE, ar
Richard W. Wieking, US District Court herein called BENEFICIAR

WITNESSETH: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, th
County, California, described a

property in Santa Clara
All that certain real property situated in the City of Milpitas, County
of Santa Clara described as follows: Lot 51 as shown on the certain map
of tract No. 1366 which map was filed for the record in the Office of
the Recorder of the County of Santa Clara, State of California on Novemb
3, 1954 in Book 53 of Maps, page 18, APN#022-25-005 (Book 53)

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Beneficiary by paragra
(10) of the provisions incorporated herein by reference to collect and apply such rents, issues and profits.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenc
by one promissory note of even date herewith, and any extension or renewal thereof, in the principal sum of \$ 600,000.00 executed by Trus
in favor of Beneficiary or order. 3. Payment of such further sums as the then record owner of said property hereafter may borrow from Beneficiary, when evidenc
by another note (or notes) reciting it is so secured.

To protect the Security of This Deed of Trust, Trustor Agrees: By the execution and delivery of this Deed of Trust and the note secured hereby, that provisions
to (14), inclusive, of the fictitious deed of trust recorded June 1, 1953, in the book and at the page of Official Records in the office of the county recorder of
county where said property is located, noted below opposite the name of such county, viz.:

COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE
Alameda	7043	119	Kings	558	124	Placer	629	311	Sierra	6	
Alpine	G	65	Lake	235	108	Plumas	64	277	Siskiyou	315	1
Amador	52	393	Lassen	90	305	Riverside	1477	255	Solano	670	2
Butte	675	4	Los Angeles	41866	80	Sacramento	2420	317	Sonoma	1210	6
Calaveras	81	369	Madera	582	315	San Benito	196	295	Stanislaus	1154	4
Colusa	198	142	Marin	808	420	San Bernardino	3179	87	Sutter	397	2
Contra Costa	2133	208	Mariposa	43	242	San Diego	4874	512	Tehama	244	3
Del Norte	37	241	Mendocino	345	92	San Francisco	6165	282	Trinity	52	1
El Dorado	325	506	Merced	1110	55	San Joaquin	1528	314	Tulare	1679	1
Fresno	3313	673	Modoc	109	221	San Luis Obispo	712	43	Tuolumne	62	
Glenn	295	536	Mono	30	343	San Mateo	2425	243	Ventura	1137	1
Humboldt	252	449	Monterey	1458	561	Santa Barbara	1156	1	Yolo	395	3
Imperial	862	639	Napa	415	331	Santa Clara	2627	445	Yuba	179	2
Inyo	103	83	Nevada	186	337	Santa Cruz	916	153			
Kern	2070	417	Orange	2512	500	Shasta	402	1			

(which provisions, identical in all counties, are printed on pages 3 & 4 hereof) hereby are adopted and incorporated herein and made a part hereof as full
though set forth herein at length; that he will observe and perform said provisions; and that the references to property, obligations, and parties in
provisions shall be construed to refer to the property, obligations, and parties set forth in this Deed of Trust.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore
forth.

MAIL TAX
STATEMENTS
TO:

WOLCOTTS FORM 822 - rev. 4-94b (price class 2C)

SHORT FORM DEED OF TRUST

Before you use this form, fill in all blanks, and make whatever changes are appropriate and necessary to your particular transaction. Consult a lawyer if
doubt the form's fitness for your purpose and use. Wolcotts makes no representation or warranty, express or implied, with respect to the merchantability or fit
of this form for an intended use or purpose.

RECORD PAGES 1' & 2 ONLY, Page 1 of 4

Exhibit 2

Signature of Trustor

JOHN LUNETTA

NANCY PATTERSON

© 1994 WOLCOTTS FORMS,

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

NAME **Barbara Allen**

STREET ADDRESS **108 N. 26th Street**

CITY, STATE & ZIP CODE **San Jose, CA 95116**

ENDORSED COPY

DOCUMENT: 16644417



Titles 2 /

Fees
Taxes
Copies
AMT PAID

BRENDA DAVIS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Recording Service

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS (With Future Borrowing C
incorporating by reference certain provisions of a fictitious deed of trust of record

This Deed of Trust, Made this **25th** day of **November, 2002**

Barbara Allen

herein called

whose address is **108 N. 26th Street, San Jose, CA 95116**

(Number and Street)

(City)

(State)

Washington Mutual, Inc.

herein called

Richard W. Wieking, US District Court

herein called

WITNESSETH: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER
property in **Santa Clara** County, California,

All that certain real property situated in the county of Santa Clara
of California, described as follows: City of San Jose, All of
8 as shown upon that certain map entitled "map of Garden Tract"
filed for record in the Office of the Recorder of the County of
State of California on August 27, 1887 in Book of Maps (N) at p.
APN# 467-09-003

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Beneficiary
(10) of the provisions incorporated herein by reference to collect and apply such rents, issues and profits.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained herein, 2. Payment of the indebtedness
by one promissory note of even date herewith, and any extension or renewal thereof, in the principal sum of \$ **600,000.00**
in favor of Beneficiary or order. 3. Payment of such further sums as the then record owner of said property hereafter may borrow from Beneficiary
by another note (or notes) reciting it is so secured.

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Calaveras	81	369	Madera	582	315	San Benito	196	295	Stanislaus		
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Del Norte	37	241	Mendocino	345	92	San Francisco	6165	282	Trinity		
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Humboldt	252	449	Monterey	1458	561	Santa Barbara	1156	1	Yolo		
Imperial	862	639	Napa	415	331	Santa Clara	2627	445	Yuba		
Inyo	103	83	Nevada	186	337	Santa Cruz	916	153			
Kern	2070	417	Orange	2512	500	Shasta	402	1			

(which provisions, identical in all counties, are printed on pages 3 & 4 hereof) hereby are adopted and incorporated herein and made a part
though set forth herein at length, that he will observe and perform said provisions; and that the references to property, obligations,
provisions shall be construed to refer to the property, obligations, and parties set forth in this Deed of Trust.

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forth

Signature of Trustor

MAIL TAX
STATEMENTS
TO:

WOLCOTT'S FORM 822 - rev. 4-94b (price class 2C)
SHORT FORM DEED OF TRUST

Before you use this form, fill in all blanks, and make whatever changes are appropriate and necessary to your particular transaction. Consider
doubt the form's fitness for your purpose and use. Wolcott's makes no representation or warranty, express or implied, with respect to the merit
of this form for an intended use or purpose.